

Appl. No. 10/654,881

Amdt. dated October 29, 2005

Reply to Office action of August 26, 2005

Amendments to Drawings:

In view of the Examiner's comments in Paragraph 10 of the Office Action, spring has been deleted in favor of clip as supported on Page 5 at Line 10.

FEE STATEMENT

No additional fee is due because the number of dependent and independent claims does not exceed those, for which payment was originally presented. Nevertheless, an appropriate authorization to charge or credit the deposit account of applicant's attorney is enclosed in the required duplicate original form -- to be used if necessary.

Appl. No. 10/65⁷881
Amdt. dated October 29, 2005
Reply to Office action of August 26, 2005

REMARKS/ARGUMENTS

Claims 1 to 18 are in the application.

Claims 1 and 2 stand rejected under 35 U.S.C. 102(b) as being anticipated by United States 3,058,504 to Powers (hereafter Powers). Claims 1 and 2 stand rejected under 35 U.S.C. 102(b) as being anticipated by United States 3,608,795 to Klein (hereafter Klein). Claims 1 to 4 and 7 to 10 stand rejected under 35 U.S.C. 102(b) as being anticipated by United States 2,590,154 to Burns (hereafter Burns). Claims 9 to 13 stand rejected under 35 U.S.C. 112. Appropriate amendments have been made to overcome the rejections under 35 U.S.C. 112. The rejections under 35 U.S.C. 102 are respectfully traversed.

Claims 14 to 18 are newly added and based on Claims 5, 6, and 11 to 13 which were indicated to be allowable in this form. Those claims were indicated to be allowable by the Examiner with minor modifications.

RESPONSE TO 35 U.S.C 102 REJECTIONS

Claims 1 and 2 stand rejected under 35 U.S.C. 102(b) as being anticipated by Powers. This rejection is respectfully traversed. The structure of Powers prohibits the application of the fuel container claimed by applicant. There is no teaching showing applicant's fuel bottle support. Powers is directed to a device for holding golf clubs. Applicant's device is directed to holding tools and for smaller, radio controlled vehicles. There is no suggestion in Powers, for the application of his carrier to applicant's purpose. In fact, the size of the Powers device renders it impractical to use for applicant's purpose.

Claims 1 and 2 stand also rejected under 35 U.S.C. 102(b) as being anticipated by Klein. This rejection is respectfully traversed. The structure of Klein, like that of Powers prohibits the application of fuel container claimed by applicant. There is no teaching showing applicant's fuel bottle support. Klein is directed to a device for holding ski boots. Applicant's device is directed to holding tools and

3 7f
Appl. No. 10/654,881

Amdt. dated October 29, 2005

Reply to Office action of August 26, 2005

for smaller, radio controlled vehicles. There is no suggestion in Powers, for the application of his carrier to applicant's purpose. In fact, the size of the Klein device renders it impractical to use for applicant's purpose.

Claims 1 to 4 and 7 to 10 stand rejected under 35 U.S.C. 102(b) as being anticipated by Burns. This rejection is respectively traversed. The structure of Burns prohibits the application of the fuel container claimed by applicant. There is no teaching showing applicant's fuel bottle support. Burns is directed to a device for holding golf clubs. Applicant's device is directed to holding tools and for smaller, radio controlled vehicles. There is no suggestion in Burns, for the application of his carrier to applicant's purpose. In fact, the size of the Powers device renders it impractical to use for applicant's purpose.

Accordingly, anticipation cannot exist in light of the decision rendered in In re Bond, 910 F.2d 831, 15 USPQ2D 1566 (Fed. Cir. 1990).

"For a prior art reference to anticipate in terms of 35 U.S.C. Section 102, every element of the claimed invention must be identically shown in a single reference. These elements must be arranged as in the claim under review,...."

Additionally, the Examiner's attention is directed to the decision in:

Structural Rubber Prod. Co., v. Park Rubber Co., 749 F.2d 707, 223 USPQ 1264 (Fed. Cir. 1984).

"Anticipation can only be established by a single prior art reference which discloses each and every element of the claimed invention. Anticipation is not shown even if the differences between the claims and the prior art references are 'insubstantial' and the missing elements could be supplied by the knowledge of one skilled in the art."

Accordingly, this rejection is respectively traversed and withdrawal thereof is requested.

Appl. No. 10/654,881

Amdt. dated October 29, 2005

Reply to Office action of August 26, 2005

RESPONSE TO 35 U.S.C 112 REJECTIONS

Claims 9 to 13 stand rejected under 35 U.S.C. 112. Appropriate amendments to the claims and specification within the scope of Paragraph 1 of the office section have been made. As such, with the definition of the size of the pads and their respective positioning on the linear alignment support, the appropriate language has been inserted.

CONCLUSION

Accordingly, all rejections having been overcome by amendment or traversed by remarks, reconsideration and allowance of the instant application is respectfully requested. Applicant's attorney remains amenable to assisting the Examiner in the allowance of this application.

Applicant respectfully requests that a timely notice be issued in this case.

Respectfully submitted,

By: 

Mathew R. P. Perrone, Jr.

Reg. No. 22,951

Tel: (847)658-5140

I hereby certify that this correspondence is being deposited by facsimile to (571)273-8300 addressed to: Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on or before November 7, 2005.


Mathew R. P. Perrone, Jr. -- Depositor

Mathew R. P. Perrone, Jr.
Attorney for Applicant
210 South Main Street
Algonquin, Illinois 60102
Telephone Number 847-658-5140
Registration Number 22,951
Date of faxing on or before November 7 2005.